

## Remarks

Applicant respectfully requests that this Amendment After Final Action be admitted under 37 C.F.R. § 1.116.

Applicant submits that this Amendment presents claims in better form for consideration on appeal. Furthermore, applicant believes that consideration of this Amendment could lead to favorable action that would remove one or more issues for appeal.

Claims 10, 12-19 and 21-27 have been amended. Claim 11 has been canceled. Therefore, claims 10, 12-19 and 21-27 are now presented for examination.

Claims 10-19 and 21-27 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicant submits that the claims have been amended to appear in proper condition for allowance.

Claims 10-19 and 21-27 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant submits that the claims 10 and 22 have been amended to appear in proper condition for allowance.

Claim 10 stands rejected under 35 U.S.C. §102(b) as being anticipated by Rastislav Bodik, et al., "Complete Removal of Redundant Expressions," In Proceedings of the ACM SIGPLAN '98 Conference on Programming Language Design and Implementation, pages 1-14, June 1998. Applicant submits that claim 10 is patentable over Bodik since Bodik does not disclose computation of down safety further comprising a lattice that distinguishes strict down-safety from speculative down-safety. Therefore, claim 10 is patentable over Bodik.

Applicant respectfully submits that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



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